

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARL A. BROOKS,

Plaintiff,

v.

CHRISTINE O GREGOIRE,

Defendant.

CASE NO. C12-5623 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 5) and Plaintiff Carl Brooks’ (“Brooks”) objections to the R&R (Dkt. 7).

On August 29, 2012, Judge Creatura issued the R&R recommending that the Court grant Brooks’ motion to dismiss his complaint because the complaint was inadvertently accepted as a new case when it should have been filed as an amended complaint in pending proceeding. Dkt. 5. On September 24, 2012, Brooks filed objections essentially asking the Court to stay this case pending any decision in the other proceeding. Dkt. 7. The objections are without merit as Brooks is not entitled to concurrent proceedings on the same complaint.

1 Therefore, the Court having considered the R&R, Brooks' objections, and the
2 remaining record, does hereby find and order as follows:

3 (1) The R&R is **ADOPTED**; and

4 (2) This action is **DISMISSED**.

5 Dated this 1st day of November, 2012.

6
7
8 

9 BENJAMIN H. SETTLE
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22